

**Department of Public Works  
City Engineering Division**

June 26, 2014

Honorable City Council:

Re: Petition No. 2893 — The City of Detroit, Department of Public Works, City Engineering Division requests the vacation and conversion to easement of Dequindre Street, 30 feet wide, from Wilkins Street, 65 feet wide, North to a dead end; and the North-South public alley first easterly of Orleans Street from Wilkins Street, 65 feet wide, North to a dead end.

The purpose of this request is to consolidate recently acquired property into a contiguous parcel of land. This property will be used for the extension of the Midtown Greenway Loop Phase IV to the Dequindre Cut North.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

All City departments and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

Detroit Water and Sewerage Department (DWSD) have no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

Public Lighting Department (PLD) has no objection to the conversion to easement. PLD reports they have facilities in the area and provisions to protect these facilities and to provide access are included as part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

**RICHARD DOHERTY**

City Engineer

City Engineering Division — DPW

By Council Member Jenkins:

Resolved, All that part of Dequindre Street, 30 feet wide, being the full width thereof lying easterly of and adjoining the North 56.30 feet of Lot 1 "Subdivision of Lot 7 of that portion of the Dequindre Farm north of Gratiot Road or Street (Showing Lots 1, 2 and 3)" as recorded in Liber 37, Pages 460 and 461 of Deeds, Wayne County Records; also all that part of an alley 16 feet wide, being the full width thereof lying easterly of and adjoining the North 15 feet of Lot 24 "Lingeman's Subdivision of part of Out Lot 7 Dequindre Farm" as recorded in Liber 1, Page 240 of Plats, Wayne County Records; and being more particularly described as follows:

All of the above said Dequindre Street

and the North-South alley existing as open public rights-of-way lying within a parcel of land described as follows: Land in the City of Detroit, Wayne County, Michigan being all that part of the Dequindre Farm, being Private Claim 8 and 17, bound on the South by the Wilkins Street right-of-way, and bound on the West by Orleans Street right-of-way and bound on the East by the Dequindre Cut railroad property, being further described as follows:

Beginning at the intersection of the northeasterly corner of Orleans and Wilkins Street right-of-way; thence along the easterly Orleans Street right-of-way, N27°02'27"W 23.22 feet; thence N62°59'53"E 178.35 feet; thence N27°12'56"W 33.12 feet, more or less, to a point on the northerly line of Outlot 7, as platted; thence along said northerly line, N62°49'05"E 80.65 feet; thence N0°11'06"E 36.25 feet; thence N62°58'07" E 12.08 feet, more or less, to a point on the westerly line of the Dequindre Cut railroad property; thence along said westerly line of the Dequindre Cut railroad property line, S27°01'53"E 88.38 feet to a point on said line intersecting the extension of the northerly Wilkins Street right-of-way; thence along the northerly Wilkins Street right-of-way, and extension thereof, S62°54'00"W 288.93 feet more or less to the Point of Beginning.

Be and the same is hereby vacated as a public street and alley and is hereby converted into a private easement for public utilities of the full width of the street and alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said street and alley and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public street and alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street or alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, Said utility easement or right-of-way in and over said vacated street and alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility

easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

Fourth, That if the owners of any lots abutting on said vacated streets and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, That if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and

Provided, That an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, That said owners of the

adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That the Public Lighting Department requires that no structures or barricades be built over PLD installations or on existing utility easement areas. As per PLD requirements, any structure proposed to be built shall maintain 10 feet horizontal clearance from the overhead PLD lines and installations also any structure proposed to be build shall maintain a minimum of 3 feet horizontal clearance and 12 feet vertical clearance from the PLD conduit bank and manholes. The contractor should take necessary precautions not to damage PLD utilities, if they plan to use heavy earth moving equipment. The contractor will be liable for any damages to any PLD underground facilities. PLD requires unrestricted easement rights with 24-hour heavy vehicle access in order to maintain their facilities; and be it further

Provided, That if at any time in the future, the owners of any lots abutting on said vacated street or alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

Provided, That if it becomes necessary to remove any Dequindre Street pavement or paved alley return at the entrance (into Wilkins Street), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owner(s), their heirs or assigns; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.